

REMARKS

The present application was filed on April 16, 2004 with claims 1 through 20. Claims 1 through 20 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-8 and 14-20 under 35 U.S.C. §102 (b) as being anticipated by Tomioka (United States Number 5,452,115). Claims 9-13 are allowed.

Independent Claims 1, 6 and 14

Independent claims 1, 6 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Tomioka. With respect to claims 1 and 14, for example, the Examiner asserts that Tomioka discloses a time-domain wavelength interleaved network having a hub node (network controller, FIG. 5), and transmitting substantially all communications through the hub node, without changing a wavelength of said communications at said hub node (citing FIGS. 1A, 1B, 4, 5, 7A, 7B, AND 8B, col. 9, line 4, to col. 13, line 10).

In the network environment of Tomioka (FIG. 1A), communications with the hub are strictly for control (time slot management). See, for example, col. 9, lines 50-52. Once a time slot is assigned for further communications, the data communications themselves are directly between the nodes. See, for example, col. 10, lines 53-59. As explicitly stated in Tomioka, the control channel is separate from the data channel for data communication. See, for example, col. 9, lines 58-60. Thus, to summarize, only control communications, but not data communications, pass through the network controller of Tomioka.

Thus, *substantially all* communications in the time-domain wavelength interleaved network do not pass through the hub node without changing a wavelength of said communications at said hub node, as required by each independent claim.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 6 and 14.

Dependent Claims

Claims 2-5, 7-8 and 15-20 are dependent on independent claims 1, 6 and 14, and are therefore patentably distinguished over Tomioka because of their dependency from independent claims 1, 6 and 14 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

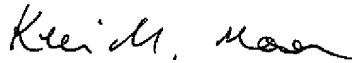
Conclusion

All of the pending claims following entry of the amendments, i e., claims 1-20, are in condition for allowance and such favorable action is earnestly solicited. Claims 9-13 are already allowed.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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